

article was fit for human consumption, that the article was not then being marketed by the claimant with the labeling which was challenged in the libel, that such labeling was no longer used by the claimant, and that the claimant believed no useful purpose would be served by contesting the charges of the libel. The article was delivered to a charitable institution.

## OILS AND FATS

28594. Edible oil. (F.D.C. No. 42875. S. Nos. 57-933/4 P.)

QUANTITY: 9 cases, each containing 6 1-gal. cans, at New York, N.Y.

SHIPPED: Prior to 10-22-58, from Reggio Calabria, Italy, by Raffineria Bruzia.

LABEL IN PART: (Can) "Product of Greece HERMES \* \* \* Pure Imported Olive Oil \* \* \* Imported-packed-distributed by Standard Importing Co., Inc., New York, N.Y." and "Nicholas Lekas Corp. Imported 100% Pure Olive Oil \* \* \* Nicholas Lekas Corp. packers and distributors, New York, N.Y. Athens, Greece."

RESULTS OF INVESTIGATION: Examination showed that the article was tea seed oil containing little or no olive oil. The article was prepared from a product in bulk drums represented as refined olive oil which was shipped as described above.

LIBELED: 3-19-59, S. Dist. N.Y.

CHARGE: 402(b)(2)—tea seed oil had been substituted wholly or in part for olive oil when shipped.

DISPOSITION: 5-22-59. Default—destruction.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

28595. Vitamin-Mineral capsules. (F.D.C. No. 43456. S. No. 55-962 P.)

QUANTITY: 808 unlabeled btls., in cases of 12 btls. each, at Kansas City, Mo.

SHIPPED: 9-27-58, from Long Island City, N.Y.

LABEL IN PART: (Case) "100 capsules Lot No. 38495 Vitamin-Mineral Capsules Each Capsule contains:—4.0 Mgm. Vitamin B<sub>1</sub>—2 Mcgm. Vitamin B<sub>12</sub>."

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately 75 percent of the declared amount of vitamin B<sub>1</sub> and approximately 57 percent of vitamin B<sub>12</sub>.

LIBELED: On or about 9-28-59, W. Dist. Mo.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, vitamin B<sub>1</sub> and Vitamin B<sub>12</sub>, had been in part omitted or abstracted from the article; 403(a)—the label statement "Each Capsule contains—4.0 Mgm. Vitamin B<sub>1</sub>—2 Mcgm. Vitamin B<sub>12</sub>" was false and misleading.

DISPOSITION: 1-12-60. Consent—claimed by NYSCO Laboratories, Inc., Long Island City, N.Y., and relabeled.

28596. Cellepacbin-Regular (dietary supplement). (F.D.C. No. 47955. S. No. 62-407 T.)

QUANTITY: 31 btls. at Stamford, Conn.

SHIPPED: 4-18-62, from Mount Vernon, N.Y., by Arthrins, Inc.

LABEL IN PART: (Btl.) "Contents 180 Capsules Cellepacbin-Regular A Dietary Supplement \* \* \* 6 Capsules Contain: \* \* \* Folic Acid \* \* \* .4 mg. \* \* \*